

**Before the
Federal Communications Commission
Washington D.C. 20554**

In the Matter of

Numbering Resource Optimization)
) CC Docket No. 99-200
National Thousands-Block)
Number Pooling Rollout Schedule)

COMMENTS OF THE TENNESSEE REGULATORY AUTHORITY

Introduction and Summary

The Tennessee Regulatory Authority is filing comments with the Federal Communications Commission Common Carrier Bureau ("FCC") in response to the Public Notice released on October 17, 2001, Subject: The Common Carrier Bureau Seeks comment on the National Thousands-Block Number Pooling Rollout Schedule, FCC 00-104 CC Docket 99-200 (Hereafter referred to as the "Order"). The Tennessee Regulatory Authority ("TRA" or "Authority") applauds the FCC for its work in number conservation. The FCC has shown a sincere effort in working with the states in spirit of federalism recommended by Congress on dealing with telecommunications issues. With regard to number conservation, the FCC has frequently delegated to the states number conservation authority to deal with numbering issues unique to each state. For example, the FCC delegated authority to Tennessee to implement one thousands-block pooling trials in the 615 and 901 NPAs¹.

The cooperative efforts of the states and the federal government have borne fruit in that better utilization of our nation's numbering resources is taking place. With this instant notice, the FCC has taken the next logical step in addressing our nation's numbering dilemma by establishing a national schedule for the roll out of thousands-block pooling. But the TRA suggests that the time for cooperation, as best defined in the term federalism, has not ended in regard number pooling. In fact, implementation issues will require the FCC and the states to work even closer to address yet unforeseen problems. Specifically, the FCC should permit states the flexibility to make minor alterations in the national pooling schedule by substituting pooling within their state's NPAs when they feel that justification exists. This flexibility will permit states to partner with the FCC to ensure that pooling is conducted where it is most needed within the state to better conserve our nation's numbering resources.

¹ DA 01-656, dated March 14, 2001, and DA 00-1616, dated July 20, 2000, respectively.

Additionally, the FCC should address the NPAs where interim pooling authority has been granted to states, but for unforeseen technical difficulties have not been able to implement thousands-block pooling. The TRA recommends that the FCC direct its National Pooling Administrator to give this small number of NPAs priority in the national rollout schedule.

Background and Discussion

One good example of why states need the flexibility to alter the national thousands-block pooling schedule is our experience with interim thousand-block pooling. The TRA has continued to take several steps to further area code conservation measures in Tennessee. Among those steps was the appointment of a Number Conservation Task Force (“Task Force”) made up of representatives from the wireline and wireless industries along with representation from the TRA Staff.² On December 27, 1999, the Task Force issued its industry consensus report (Attachment A) to the TRA and made the following recommendation on implementation of pooling:

...[T]he TRA deferred implementing an area code relief plan for 615 due to reclamation of unused NXX codes and an overall decrease in the demand for codes. Based upon this decision and the analysis of all known Number Conservation Measures being implemented and/or evaluated across the nation, the Tennessee Number Conservation Task Force recommends Thousand Block Pooling, Thousand Block Management, and All Services Overlay as the most effective means for conservation of numbering resources in Tennessee.³

and,

...[I]t is recommended that Release 3.0, the national standard, be used for any implementation of number pooling in the State of Tennessee. Release 1.4 is not recommended because of the near term availability of Release 3.0 and the unnecessary costs that would be borne by Tennessee consumers for implementation of both releases.⁴

On June 14, 1999, the TRA was notified by the North American Numbering Plan Administration (“NANPA”) that area code relief was necessary for the 615 NPA in Tennessee. On July 27, 1999, the planning for relief of the 615 NPA by either a geographic split or an all services overlay began with notification of the industry’s recommendations. The decision on the method of area code relief for the 615 NPA was deferred on December 7, 1999, after the NANPA notified the TRA that reclamation activities and a decrease in central office code demands had extended the life of the 615 NPA until the first quarter of 2003.⁵

² The Authority commissioned the Tennessee Telecommunications Association (“TTA”) to form the Task Force on February 2, 1999, for the purpose of researching options and measures that may be taken for numbering resource conservation.

³ Report and Recommendations of the Number Conservation Task Force To The Tennessee Regulatory Authority Regarding Number Conservation Measures For The State Of Tennessee, p. 32 (December 27, 1999).

⁴ *Id* at p. 33.

⁵ NeuStar (NANPA) letter, dated December 2, 1999, Subject: Relief of the Tennessee 615 area code.

On November 16, 1999, the TRA petitioned the FCC for additional delegated authority to implement numbering conservation measures. This petition requested the delegated authority to implement five (5) specific numbering conservation measures as listed below:

1. Enforcement of current numbering allocation standards and establishment and enforcement of new standards;
2. Setting fill rates and requiring utilization surveys;
3. Reclamation of unused and reserved NXX codes and portions of those codes;
4. Ordering of number utilization and forecasting reporting and audit such reporting; and
5. Implementation of mandatory thousands-block number pooling.

In January 2000, the NANPA again notified the TRA that relief planning was necessary. This notification was to provide for relief of the 901 NPA in Tennessee and the planning for the requisite relief strategy decision commenced. On March 16, 2000, the NANPA code administrator declared the 901 NPA to be in jeopardy due to an unforeseen increase in the demand for central office codes. As a result, jeopardy procedures were initiated for the 901 NPA.

On March 31, 2000, the FCC released its much anticipated *Report and Order and Further Notice of Proposed Rule Making*, Docket No. 99-200, FCC 00-104 (hereafter referred to as the Order) on Numbering Resource Optimization. Among the actions taken by the FCC in this Order was the additional requirement cited in Paragraph 170 that States with pending petitions for delegated authority demonstrate: “1) that an NPA in its state is in jeopardy, 2) the NPA in question has a remaining life span of at least a year and 3) that the NPA is in one of the largest 100 MSAs, or alternatively, the majority of the wireline carriers in the NPA are Local Number Portability (“LNP”) capable.” The TRA submitted the required supplemental information to the FCC on April 24, 2000, demonstrating that the 901 NPA met all requirements for additional delegated authority to implement numbering conservation measures.

On July 14, 2000, the NANPA informed the TRA that the 615 NPA had been declared to be in jeopardy due to the demand for central office codes increasing significantly beyond the normal forecast. The FCC granted the TRA’s November 16, 2000, petition for delegated authority allowing Tennessee to implement thousands-block number pooling in the 901 NPA on July 20, 2000, with the release of DA 00-1616. Shortly thereafter, the TRA filed the required supplemental information with the FCC to begin thousands-block pooling in the 615 NPA.

Based upon the belief that the FCC would approve its petition for the 615 NPA, and in an effort to improve number efficiency within the jeopardy-declared 615 NPA, the Authority began the necessary work to implement interim pooling in the 901 and 615 NPAs and issued its Pooling Order on December 12, 2000. (Attachment B)

The TRA’s Order provided for the selection of a Pooling Administrator, specified the method to be used for pooling, and set the implementation dates. The specified method was selected based on the industry’s recommendation as set forth in the Tennessee Numbering Conservation Task Force’s report. That report demonstrated the industry’s overwhelming support for implementing pooling using release 3.0 and the FCC’s established national standard of utilization of methods

that used Efficient Data Representation (“EDR”) specified in paragraph 177. Although, in its Order the FCC did not endorse release 3.0, it did establish that T1S1.6 Technical Requirements would be the technical standard for a National one thousands-block number pooling mechanism. Taking into account this technical capability, and the addition of preventing extra costs to the consumer in eliminating a conversion from 1.4 to 3.0, the Authority ordered that pooling would be implemented using release 3.0. Considering the proposed release date of 3.0, the Authority set March 1, 2001, or the availability of release 3.0, whichever is later, as the date for pooling implementation in the 615 NPA.

On March 1, 2001, the implementation of pooling had to be delayed in the 615 NPA due to unforeseen delays in the release of 3.0, caused by technical problems which are well known by the FCC and will not be discussed here. The release of 3.0 has still not occurred due to these problems and the pooling trial in the 615 NPA continues to be delayed.

National Thousands-Block Number Pooling Rollout Schedule

The National Thousands-Block Number Pooling Schedule has two (2) deficiencies. First, as stated earlier, no consideration is given to NPAs where interim pooling authority was granted to states but not implemented due to circumstances beyond the control of states. Second, states are not granted the flexibility to switch pooling in NPAs within the state when special circumstances, as mentioned above, occur. A national schedule without such flexibility unduly ties the hands of the states from being able to adjust to special circumstances.

The first deficiency should be addressed by the FCC directing the National Pooling Administrator to work with those states that have been granted interim pooling authority to determine whether all the interim pooling trials have been completed. If there are any pooling trials that have been delayed, the National Pooling Administrator should be directed to work with those states to prioritize the yet to be completed pooling trials. These NPAs should be prioritized in the national rollout schedule because they have been determined by the FCC to be uniquely qualified for thousands-block pooling. This action will better ensure that pooling will occur where it is most needed. It will also ensure that no NPA, especially those in jeopardy, is ignored in the national rollout schedule.

The second deficiency is the need for the continuation of the partnership between the states and the federal government on number conservation. The example of Tennessee’s interim pooling effort points out that problems inevitably occur and flexibility is needed to address new situations.

Conclusion

The Tennessee Regulatory Authority has been very active in pursuing numbering resource conservation. The unforeseen delay in implementing the one thousands-block pooling in the 615 and 901 NPAs has been caused by the unavailability of release 3.0 and the national pooling standard of Efficient Data Representation for one thousand-block pooling. The National Pooling Administrator has stated to the TRA staff that one thousands-block pooling will begin, according

to the rollout schedule, without EDR and by utilizing release 1.4 if the 3.1 release has not been implemented.⁶

The 615 and 901 NPAs are ready for thousands-block pooling. All steps outlined in the Industry Numbering Committee One-Thousand Block Pooling Guidelines have been taken in both the 615 and the 901 NPA to implement pooling, with the exception of the industry block donations, which can be quickly accomplished after verification of the posted utilization forecast. If pooling is not implemented in a timely manner, the 615 NPA may exhaust and area code relief will have to be implemented unnecessarily. The time is also ripe for pooling in the 901 NPA. The TRA has recently ordered area code relief for the 901 NPA and the benefits of thousands-block pooling can best be achieved in newly relieved NPAs. For these reasons, the TRA respectfully requests that the 615 and 901 NPAs be prioritized by the National Pooling Administrator and be added to the pooling schedule for the first quarter of 2002.

A jeopardy situation still exists in Tennessee's 615 area code which may adversely affect competing carriers and their ability to obtain needed numbering resources at a time when they need such resources to compete in the telecommunications marketplace. If the above request cannot be granted by the FCC, it is requested that the rollout schedule for the 865 NPA be substituted with the 615 NPA and that pooling begin in the 615 NPA, Nashville MSA in the second quarter of the rollout schedule. By substituting the 865 NPA with 615 NPA, the exhaust of the 615 NPA could likely be delayed several years and conserve an already depleting numbering resource by preventing the need for area code relief. This action would resolve the present situation in the 615 NPA quicker than any other action available. The 865 and 901 NPAs should be placed on the next available opening on the national schedule.

Thank you for your favorable consideration of these filed comments to the Thousands-Block Number Pooling Rollout Schedule, CC Docket No. 99-200.

Respectfully Submitted,

K. David Waddell
Executive Secretary
Tennessee Regulatory Authority

November 6, 2001

⁶ On October 16, 2001, the Local Number Portability Working Group reported that the current implementation date for release 3.1, or "patch" as it is being called, which is supposed to correct the problems that are occurring with 3.0 is not likely until the second quarter of 2002 for Region 4, which contains Tennessee. By the time 3.1 is implemented, even if it is correction for the problems with 3.0, the National Rollout for pooling will have started and pooling trials cannot be implemented by the individuals states.